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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/716,362	11/18/2003	Lawrence D. Petchel	11620*1	8128

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EXAMINER

STORMER, RUSSELL D

ART UNIT	PAPER NUMBER
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3617

DATE MAILED: 08/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/716,362	Applicant(s) PETCHEL ET AL.	
	Examiner Russell D. Stomer	Art Unit 3617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 103

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in the prior Office action.
2. Claims 1-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pursley in view of McKay.

Pursley (cited by Applicants) discloses a wheel balancing device comprising a plurality of weights 10 connected together on an adhesive tape. The tape 32 has an adhesive portion 36, and a backing strip 50 which is wider than the weights to form a gripping surface 52. The backing strip is not serrated.

McKay teaches an elongated tape 14 comprising a number of sheets 26 which are serrated to allow individual sheets to be removed one at a time, and further includes pull tabs 32 at the edges 24 of the sheets, each of which has a bridge or lift tab 42 which aids in grasping the pull tab 32. From this teaching it would have been obvious to provide backing strip of the balance weight strip of Pursley with serrations to allow easier removal of the backing strip at the location of the break in the weights, and further to provide a tab to assist in grasping the backing strip for removal.

With respect to claim 2, the shape of the lift tab is considered to be an obvious design expedient, and those of ordinary skill in the art could readily determine suitable shapes, such as a dovetail shape.

With respect to claim 9, to coat the balance weights would have been obvious as it is well-known to provide a coating on lead balance weights to reduce the contact a person has with the lead in the weight.

With respect to claims 12 and 13, the material used for the backing strip is an obvious design expedient, and those of ordinary skill could readily choose a suitable, known material for the backing strip.

Response to Arguments

3. Applicant's arguments filed June 27, 2005 have been fully considered but they are not persuasive.

In arguing that McKay is not analogous art as used in the rejection of claims 1-13, Applicants stress that McKay is drawn to a lint removal apparatus. While this is true, Applicants have failed to view the prior art as a whole. McKay is more broadly drawn to an elongated strip 14 having a plurality of members or sheets 26 removably attached thereto, and teaches the use of a tab 42 connected to each member or sheet at the edge 24 for aiding in the grasping of the edge of the sheet to facilitate the removal of the sheet from the tape. This teaching of McKay is applicable to the individual weights or members 10 which must be individually removed from the tape 32 of Pursley. McKay, therefore, addresses the problem encountered both by Pursley and the claimed invention, is from the same field of endeavor (removal of individual elements from a tape which holds a plurality of those elements) and is considered to be quite analogous to the environment of Pursley and the problem to be solved. The teaching or suggestion comes from the improvement set forth in McKay in the form of the tabs 42.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Russell D. Stormer whose telephone number is (571) 272-6687. The examiner can normally be reached on Monday through Friday, 9 AM to 4 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joe Morano can be reached on (571) 272-6684. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

7/29/05


RUSSELL D. STORMER
PRIMARY EXAMINER 7/29/05